

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

FILED-574  
NOV 10 2003  
U.S. DISTRICT COURT

GENEROSO TROMBETTA,  
*Plaintiff-Appellant,*

vs.

BOARD OF EDUCATION, PROVISO  
TOWNSHIP HIGH SCHOOL DISTRICT  
NO. 209, COOK COUNTY, ILLINOIS;  
RONALD SERPICO;  
*Defendants,*

and

THERESA L. KELLY; EMANUEL "CHRIS"  
WELCH; DANIEL J. ADAMS; MICHAEL J.  
CARLSON; RONALD SERPICO; and  
GREGORY T. JACKSON,  
*Defendants-Appellants.*

Case No. 02-C-5895

The Honorable  
**Matthew F. Kennelly,**  
Judge Presiding

DOCKETED  
NOV 10 2003

DOCKETING STATEMENT

**Jurisdictional Statement**

The plaintiff sued alleging 42 U.S.C. §1983 claims and pendent Illinois law claims (the latter since dismissed). The federal court has jurisdiction pursuant to 28 U.S.C. §§1331, 1343.

Defendants Theresa L. Kelly, Emanuel Welch, Daniel J. Adams, and Michael J. Carlson, who are elected members of the codefendant, Board of Education, Proviso Township High School District No. 209, Cook County, Illinois, asserted affirmative defenses of legislative immunity and qualified immunity. Defendant Gregory T. Jackson, who is the superintendent of the school board, asserted a defense of qualified immunity. Said defendants moved for summary judgment based, *inter alia*, on these


97

immunities (dkt. 57). The district court denied the motion for summary judgment on October 21, 2003 (entered on the docket on October 24, 2003) (dkt. 89).

The defendants filed a timely notice of appeal on November 7, 2003. This Court has jurisdiction over the order denying summary judgment under 28 U.S.C. §1291, the collateral order doctrine, and Fed.R.Civ.P. 3 and 4(a). A district court's denial of a claim of qualified immunity is an appealable interlocutory order to resolve questions of law. *Mitchell v. Forsyth*, 472 U.S. 511, 530 (1985). The same rule of appealability applies to the denial of a claim of legislative immunity. *Hansen v. Bennett*, 948 F.2d 397, 399 (7th Cir. 1991).

**Prior or Related Appellate Proceedings**

None.

  
Stephen R. Swofford, Counsel of Record

  
William J. Holloway

Stephen R. Swofford  
William J. Holloway  
HINSHAW & CULBERTSON  
222 N. LaSalle Street, Suite 300  
Chicago, Illinois 60601  
312-704-3000

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

GENEROSO TROMBETTA,  
*Plaintiff-Appellant,*

vs.

BOARD OF EDUCATION, PROVISIO  
TOWNSHIP HIGH SCHOOL DISTRICT  
NO. 209, COOK COUNTY, ILLINOIS;  
RONALD SERPICO;  
*Defendants,*

and

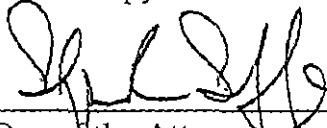
THERESA L. KELLY; EMANUEL "CHRIS"  
WELCH; DANIEL J. ADAMS; MICHAEL J.  
CARLSON; RONALD SERPICO; and  
GREGORY T. JACKSON,  
*Defendants-Appellants.*

Case No. 02-C-5895

The Honorable  
**Matthew F. Kennelly,**  
Judge Presiding

NOTICE OF FILING

PLEASE TAKE NOTICE that on the 7th day November, 2003, we filed with the United States District Court of the Northern District of Illinois, Eastern Division, the attached Docketing Statement of defendants, Theresa L. Kelly, Emanuel Welch, Daniel J. Adams, Michael J. Carlson, and Gregory T. Jackson, a copy of which is herewith served upon you.

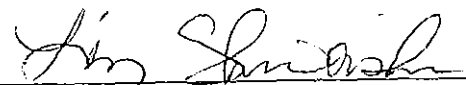
  
One of the Attorneys for Defendants-Appellants

Stephen R. Swofford  
William J. Holloway  
HINSHAW & CULBERTSON  
222 N. LaSalle Street, Suite 300  
Chicago, Illinois 60601  
312-704-3000

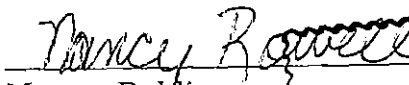
STATE OF ILLINOIS     )  
                                      )  
COUNTY OF COOK     )

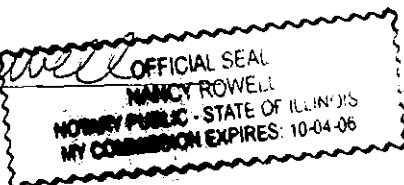
**PROOF OF SERVICE**

The undersigned, a non-attorney, on oath states that she served the Docketing Statement on behalf of defendants, Theresa L. Kelly, Emanuel Welch, Daniel J. Adams, Michael J. Carlson, and Gregory T. Jackson, by mailing and depositing same in the U.S. mail at 222 N. LaSalle Street, with proper postage prepaid to those on the attached Service List.

  
\_\_\_\_\_  
Liz Shiroishi

Subscribed and sworn to before me  
this 7th day of November, 2003.

  
Notary Public



Trombetta v. Board of Ed.  
Matter No. 817853

**SERVICE LIST**

Matthew J. Piers  
Terence J. Moran  
Juliet Berger-White  
Gessler Hughes Socol Piers Resnick & Dym, Ltd.  
70 W. Madison Street  
Suite 2200  
Chicago, Illinois 60602

Mark H. Sterk  
Odelson & Sterk  
3318 W. 95th Street  
Evergreen Park, Illinois 60642

Steven R. Miller  
L. Scarry  
Myers, Miller, Standa & Krauskopf  
Two North LaSalle St.  
Suite 1200  
Chicago, Illinois 60602